

54



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,131	07/11/2001	Wright J. Nee	ROC920000321US1	9531
7590	07/14/2005		EXAMINER	
James R. Nock IBM Corporation, Dept. 917 3605 Highway 52 North Rochester, MN 55901-7829			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 07/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/903,131

Applicant(s)

NEE, WRIGHT J.

Examiner

Thjuan P. Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on April 11, 2005 has been entered. Claims 1 and 3 have been amended. Claim 2 has been cancelled. No claims have been added. Claims 1 and 3-42 are now pending in this application, with claims 1, 35, and 42 being independent.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3-6, 8, 10-14, 18-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Marrah et al (US 6,728,522).
4. In regards to claims 1, 26, 29, 30, 31, 32, 35, 39, and 42, Marrah discloses an apparatus, method, and product for selecting broadcast signals (See Abstract and col. 2 lines 7-16), the apparatus, method, and product comprising: a tuner (See Fig. 1, Fig. 2, "BAND" pushbutton switch 20, and weather band tuner 32) for receiving a plurality of broadcast signals from a plurality of broadcast sources (See col. 3 lines 5-9 and col. 3 lines 45-59); a memory (flash memory 38), the memory including: a current location of the receiver (See col. 3 lines 36-44 and col. 4 lines 17-29); a database of broadcast sources for a plurality of broadcast locations (See col. 5 lines 45-50); a set of listener preferences (See col. 1 lines 56-60); and a processor (micro-controller 36) coupled to

the tuner and the memory for selecting a group of broadcast signals based on a predetermined selection criteria (See col. 1 lines 56-60, col. 3 lines 5-10, and col. 3 lines 45-59), wherein the predetermined selection criteria includes the plurality of receivable broadcast signals (See col. 3 lines 5-9 and col. 3 lines 45-59), the current location of the receiver (See col. 3 lines 36-44 and col. 4 lines 17-29), and the set of listener preferences (See col. 1 lines 56-60).

5. In regards to claims 3, 28, and 40, Marrah discloses the apparatus and method, wherein the database of broadcast sources further includes program formats for a plurality of broadcast locations (See col. 3 lines 45-59 and col. 5 lines 45-50).

6. In regards to claim 4, Marrah discloses the apparatus, wherein the current location of the receiver is entered by the listener (See col. 1 lines 52-56 and col. 1 lines 62-65).

7. In regards to claims 5, 6, and 38, Marrah discloses the apparatus and method, wherein the current location entered by the listener is a zip code (See col. 1 lines 52-56).

8. In regards to claim 8, Marrah discloses the apparatus, wherein the current location entered by the listener is entered via a keypad integral to the apparatus (See col. 1 lines 62-65).

9. In regards to claims 10, 36, and 41, Marrah discloses the apparatus and method, wherein the current location of the receiver is provided by a global positioning system (GPS) receiver (GPS receiver 40) integral to the apparatus (See col. 3 lines 41-44).

10. In regards to claim 11, Marrah discloses the apparatus, wherein the current location of the receiver is provided by a global positioning system (GPS) receiver external to the apparatus (See col. 4 lines 30-41).

11. In regards to claims 12 and 13, Marrah discloses the apparatus, wherein the current location of the receiver is provided by a cellular phone integral to the apparatus (See col. 2 lines 59-63).

12. In regards to claim 14, Marrah discloses the apparatus, wherein the database of broadcast services is provided to the receiver by a removable memory module (See col. 5 lines 45-50).

13. In regards to claims 18 and 27, Marrah discloses the apparatus, wherein the apparatus further includes an I/O port for transferring information from an external device to the apparatus (See col. 3 lines 31-44 and col. 4 lines 30-41).

14. In regards to claim 19, Marrah discloses the apparatus, wherein the external device is coupled to the I/O port via a wired connection (See col. 2 lines 52-59).

15. In regards to claims 20, 21, and 22, Marrah discloses the apparatus, wherein the external device is coupled to the I/O port via a wireless connection (See col. 2 lines 59-63).

16. In regards to claim 23, Marrah discloses the apparatus, wherein the external device is a personal digital assistant (PDA) (See col. 2 lines 59-63).

17. In regards to claim 24, Marrah discloses the apparatus, wherein the external device is personal computer (PC) (See col. 2 lines 59-63).

Art Unit: 2642

18. In regards to claim 25, Marrah discloses the apparatus, wherein the external device is wireless phone (See col. 2 lines 59-63).

19. In regards to claim 33, Marrah discloses the apparatus, wherein the receiver (GPS receiver 40) is mounted within a mobile vehicle (See Fig. 2).

20. In regards to claims 34 and 37, Marrah discloses the apparatus and method, wherein the receiver is a hand-held device (See col. 2 lines 59-63).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 7, 9, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marrah et al (US 6,728,522).

22. Marrah discloses all of claim 7 limitations, except the apparatus, wherein the current location entered by the listener is a city name. Marrah, however, does disclose the apparatus, wherein the current location entered by the listener is a city code and/or zip code (See col. 3-4 lines 65-21), therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system as a way of providing to the listener another method of entering the current location.

23. Marrah discloses all of claim 9 limitations, except the apparatus, wherein the current location entered by the listener is entered via voice input. Marrah, however, does disclose the apparatus, wherein the current location entered by the listener is entered via a keypad integral to the apparatus (See col. 3 lines 1-10), therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system as a way of providing to the listener another method of entering the current location.

24. Marrah discloses all of claim 15, 16, and 17 limitations, except the apparatus, wherein the database of broadcast services is provided to the receiver by a CD-ROM disc, a CD-RW disc, or a writable DVD. Marrah, however, does disclose the apparatus wherein the database of broadcast services is provided to the receiver by a removable memory module (See col. 5 lines 45-50).

### ***Response to Arguments***

25. Applicant's arguments filed 04/11/05 have been fully considered but they are not persuasive. Applicant argues that the reference, of Marrah, does not disclose or suggest, storing a set of listener preferences, or using the stored listener preferences as a predetermined selection criteria to select a group of broadcast signals. Examiner respectfully disagrees with this argument. Marrah, does disclose and suggest storing a set of listener preferences (See col. 1 lines 56-60), and using the stored listener preferences as a predetermined selection criteria to select a group of broadcast signals (See col. 1 lines 62-65). Applicant further argues that Marrah does not distinguish

Art Unit: 2642

between the program formats of the channels, since all of the channels in the database are exclusively weather related. However, all of the channels in the database are not exclusively weather related. The channels are also used for AM and/or FM broadcast signals (See col. 3 lines 12-14). Marrah further discloses that a plurality of available weather band channels for receiving broadcast weather band signals, could also contain weather, emergency, or other messages (See col. 3 lines 45-59). Applicant states that the passage cited by the Examiner, neither discloses or suggests that the current location of the receiver is entered by the listener. Marrah, however, does disclose and suggest that the current location of the receiver is entered by the listener (See col. 1 lines 52-56 and col. 1 lines 62-65). Applicant further argues Marrah does not disclose the listener entering the zip code as the current location of the receiver. Examiner respectfully disagrees with this argument. Marrah, however, does disclose the listener entering the zip code as the current location of the receiver (See col. 1 lines 52-56). According to Applicant, Marrah, neither discloses or suggests the current location being entered by the listener via a keypad integral. Marrah, however, does disclose and suggest the current location being entered by the listener via a keypad integral (See col. 1 lines 62-65). Applicant further argues that Marrah makes no mention of a cellular phone used to obtain the current location of the receiver. Marrah, however, does make mention of a cellular phone used to obtain the current location of the receiver (See col. 2 lines 59-63).

### ***Conclusion***



26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

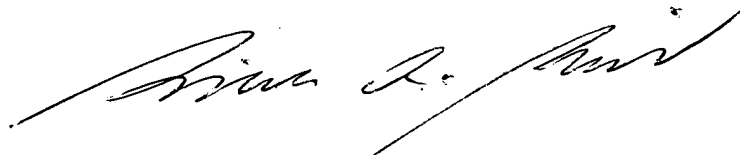
28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2642

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

**BING Q. BUI**  
**PRIMARY EXAMINER**